

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 98-0462P**

**Sales and Use Tax  
Calendar Years 1994, 1995, 1996**

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**ISSUE(S)**

I. **Tax Administration** – Penalty

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer protests the penalty assessed on an audit completed on April 29, 1998.

Taxpayer failed to self-assess and remit use tax on clearly taxable items and failed to charge sales tax or obtain exemption certificates. Taxpayer is a Delaware corporation that was audited previously on June 22, 1994.

1. **Tax Administration** – Penalty

**DISCUSSION**

Taxpayer requests a waiver of penalty but did not state reasons why it should be waived.

Taxpayer's audit report revealed that the items assessed were issues in a prior audit. Taxpayer made no corrections. In addition, the assessments were primarily higher each year than in the prior audit. It self-assessed less than ten percent (10%) of the tax due.

The taxpayer was negligent in failing to make corrections and remit the sales and use tax due.

**FINDING**

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Taxpayer's protest is denied.